

# UTAH AIR QUALITY BOARD MEETING

August 4, 2004

## MINUTES

### I. Call to Order

The Board Chair, John Veranth, called the meeting to order at 1:35 p.m.

Board members present:

John Veranth

Dianne Nielson

Joann Seghini

Scott Hirschi

Richard Olson

Ernest Wessman

Jim Horrocks

Wayne Samuelson

### II. Dates of upcoming Air Quality Board Meetings:

September 1, 2004 and October 6, 2004

### III. Approval of the Minutes of July 7, 2004 Board Meeting.

Add Board names attending: Scott Hirschi, Ernest Wessman. Corrections: page 4 paragraph 6, "projects" should be "projections"; page 5, add Salt Lake "County", delete "Council." Item IV. Paragraph 2, change "Ralph" to "Rusty" Lundberg. JoAnn Seghini moved to approve and Ernest Wessman seconded. The Board approved unanimously.

### IV. Election of Board Chair and Vice Chair.

Richard Olson nominated John Veranth for reelection as chairman of the Board after noting that Mr. Veranth had previously acted very professionally and fair minded. Scott Hirschi seconded it, and the Board voted unanimously.

JoAnn Seghini nominated Ernest Wessman for reelection as Vice Chair, second by Richard Olson and the Board approved unanimously.

### V. Propose for Public Comment. Amend R307-110-12 and State Implementation Plan Section IX.C.8, the Carbon Monoxide Maintenance Plan for Ogden; and Amend R307-110-35 and State Implementation Plan Section X.E, the Vehicle Emissions Inspection and Maintenance Plan for Weber County. Presented by Jan Miller and Bill Colbert.

Ms. Miller updated the Board on the Five-Year Rules review process.

The Carbon Monoxide (CO) Plan for Ogden is an update of the Maintenance Plan adopted in 1996. Since CO emissions are dropping due to newer, cleaner vehicles; it shows that no violations will occur in the future.

EPA approved the original maintenance plan in 2001. With no violation of the standard, the requirements to demonstrate maintenance and to prepare the Motor Vehicle Emissions Budgets (MVEB) for conformity purposes, both expire in 2021. This plan extends to 2021, and sets the MVEB in 20 years, in 2005 and 2021, as required.

There is a substantial safety margin that would be retained and staff suggests that most of it be allocated to the mobile source sector in case there are further updates to the MOBILE

model that is used to project emissions from mobile sources. Twenty tons of the safety margin is retained by DAQ to cover any unanticipated growth in area and non-road mobile emissions or changes in the models used to calculate them.

Staff recommends that the Board propose the SIP for public comment.

Bill Colbert reported that staff is making revisions to reflect changes in the model to test vehicles 6 years and newer in Ogden's IM (Inspection and Maintenance) SIP. Staff recommends that the Board propose the SIP for public comment.

In answer to John Veranth's remarks on wood stove emissions coming down, Carol Neilsen stated that wood stoves are being calculated differently from 1992-93. Staff is using the activity data from the national forest. Since wood sales are going down, so are emissions.

JoAnn Seghini moved that the Board propose for public comment, R307-110-12 and State Implementation Plan Section IX.C.8, the Carbon Monoxide Maintenance Plan for Ogden, and R307-110-35 and State Implementation Plan Section X.E, the Vehicle Emissions Inspection and Maintenance Plan for Weber County.

Seconded by Ernest Wessman and the Board approved unanimously.

**VI. Clean Harbors Appeal, Notices of Further Proceedings.** Presented by Fred Nelson

John Veranth noted for the record that he had been a former employee of Clean Harbors and that he was an environmental representative on the Board. Also, he indicated he had conversations dealing with the issues with Kathy Van Dame, Wasatch Clean Air Coalition, on comments she prepared on the proposed Approval Orders. He felt that he could be impartial and did not plan to recluse himself, but would remove himself if requested.

Fred Nelson stated that under the Board rules, this was a formal matter to be considered by the Board. The Executive Secretary had previously sent out a Notice of Intent for public comment and at the end of May, and issued the approval order to Clean Harbors. The Wasatch Clean Air Coalition has submitted a formal appeal to the Board, which includes a request that the approval order issued by the Executive Secretary, be withdrawn.

The first step, as defined in the rules, is the issuance of the 'Notification of Further Proceedings' by the Board. This notification says that the Board acknowledges that Wasatch Clean Air Coalition has submitted a request for an appeal to the Board, and that the parties to the case will be the Executive Secretary and Clean Harbors. It establishes a time frame that Wasatch Clean Air Coalition has to file a petition to intervene and demonstrate a legal interest. Then the Executive Secretary and Clean Harbors will have a chance to review the petition and submit their comments to the Board. At the October Board meeting, the Board will determine whether or not Wasatch Clean Air Coalition will be allowed to intervene. If intervention is allowed, the Board will set a schedule and hearing date. The Board needs to appoint a presiding officer to coordinate the process, set schedules, and sign the documents if they come between Board meetings.

A hearing officer could be appointed by the Board to hear the matter and bring a recommendation to the Board. In any event, the Board will make the final decision on the appeal. Mr. Nelson recommended that the Board approve this Notification of Further Proceedings and appoint a presiding officer for the matter.

In answer to Mr. Hirschi's question about denied intervention, Mr. Nelson stated that an appeal to that decision could be made to the courts. If there were no granting of intervention, then the formal proceeding would be finished. It doesn't mean that the Board couldn't discuss or informally review the issue. It just means that formal action of the approval would not be considered.

Mr. Hirschi asked if the presiding officer would ordinarily be the chairman, and Mr. Nelson responded that it had happened in the past.

Mr. Hirschi asked Mr. Veranth if he had concerns of past involvement in being the presiding officer. Mr. Veranth stated that he had had involvement with both sides, and didn't think so.

Mr. Olson said that with all due respect to Mr. Veranth, and in light of what had been mentioned and to minimize any possibility with any conflict, moved that the Board appoint Vice Chair, Mr. Ernest Wessman as the presiding officer and that the Board adopt the Notification of Further proceedings. Seconded by JoAnn Seghini. The Board approved unanimously.

**VII. Modification of Approval Order DAQE-AN1386011-03 by Adding Process Equipment, and Pollution Control Equipment Items.** Presented by Tim DeJulis

Hexel Corporation seeks permission to install new production and pollution control equipment at the West Valley plant. The new plant will allow production levels to increase. Since Hexel is changing the curing agent and resin limits that are listed in the SIP, a request is being made to increase their Potential to Emit or PTE. The vapor recovery system pollution controls conform to the now applicable MACT (Maximum Achievable Control Technology) standards. They are a Title V major source but are not subject to any NSPS standards.

Modeling staff reviewed this request. The increase in emissions were below the thresholds for air dispersion modeling, PSD review or increment analysis. Ozone and PM10 offsets were not required. The public comment period ended July 8, and no public comments were received. No public hearing was requested. HEXEL operations are listed in the Salt Lake County PM10 SIP and rules require that the Air Quality Board consider any changes to their operation. Therefore, staff offers this request for the Board's consideration.

After discussion from Board members concerning NESHAP, MACT, PTE standards and non-attainment area requirements, Mr. Wessman moved to approve the modification of Approval order DAQE-AN1386011-03 by Adding Process Equipment and Pollution Control Equipment Items per the recommendation of the staff.

Motion seconded by Scott Hirschi and after voting, the Board approved unanimously.

**VIII. Modifications to AO (DAQE-374-99-) to Add a Boiler.** Presented by E.Q. He

The LDS Church has requested to modify its AO to add a boiler to its Central Plant. The facility is located in Salt Lake City, Salt Lake County, which is a non-attainment area of the National Ambient Air Quality Standards (NAAQS) for PM10 and SO<sub>2</sub>, and is a maintenance area for CO and Ozone. The boiler will use natural gas unless there is a curtailment of service, during which #2 fuel oil will be used as a back-up fuel.

The modeling staff has reviewed the proposed modification and air dispersion modeling was not required; the thresholds for a PSD review and an increment analysis were not triggered. Offset requirements were not triggered. The Intent to Approve was published for a 30-day public comment. No comments were received during that period. The source, however, is subject to NSPS Subpart Dc for Small Industrial-Commercial-Institutional Steam Generating Units. The facility is Title V source. They are not subject to any NESHAP or MACT standards.

In accordance with the rule, a change to an emission limit for a source listed in the SIP needs to be approved by the Air Quality Board. Therefore, the staff presents this proposed modification to the Board for consideration.

Mr. Hirschi asked if there would be a length of time restriction for use with alternate #2 fuel oil, to which Mr. He replied that there was a specific limit for that use.

Mr. Veranth noted that the CO emissions seemed quite high for this source, compared with other large plants in the valley. Mr. He responded that the emissions numbers in the AO were estimates, and the legal limit is noted in the permit and they will be required to stack test within the first 6 months after the permit is issued; and if the emissions exceed the limits, they will come back to the Board and do the AO process again

Mr. Regg Olsen, staff, said the numbers in the permit are permitted numbers, what is called the potential to emit, and the number in the inventory are actual emissions actually emitted. Looking at the inventory and the permitted numbers for the larger sources in the valley, they would be much higher than what you would find for this source. The permit numbers for this source are small in numbers in relationship to the ones mentioned previously.

Mr. Veranth noted that for clarification the inventories are actual as opposed to permitted. Mr. Veranth further noted his objection and concern with the language of Condition 7, "Regardless of any consistency between conditions of this AO and" the SIP, the AO should take precedence. Mr. Veranth noted for the record the objection to that condition. He further noted that the EPA had sent correspondence about it and that's a point the Board needs to look. It implies that the AO can trump the SIP, which has gone through a more formal review as well as a federal level of approval.

Richard Olson moved that the Board approve the modifications to the AO to add a boiler. Wayne Samuelson second and Board approve unanimously.

## **IX. Select AQB representative to TRANSCOM**

The Wasatch Front Regional Council informed Mr. Veranth that the Board had a seat open on the Transportation committee. The Board needed to appoint a representative to fill that seat.

Scott Hirschi moved that the Board appoint Jim Horrocks to be the representative to the TRANSCOM committee. Richard Olson seconded and Board moved to approve.

Mr. Horrocks asked what the time commitment was and Ms. Seghini said that they meet once a month for 2-3 hours.

**X. Informational items.**

**A. Air Quality Research: Presented by Dr. Delbert Eatough, BYU.  
Slides available upon request.**

**B. Air Quality Board Membership: Presented by Dianne Nielson**

Ms. Nielson asked the Board to think about and respond with comments about adding 2 new members to the Board. The local health department (LHD) approached Ms. Nielson requesting that the Board expand the membership to include a representative from the health department. On three of the Boards, in addition to having local government, county or municipal representative, there is a local health representative. Does the Board think it's a good idea to add a LHD representative, and if so, what additional type position would the Board like to see? In keeping with the procedure of odd numbers in voting, and without removing someone, would there be someone in addition to the health department that would be valuable in terms of expertise and air quality? If the Board decides to add a health representative, this needs to be accomplished by September, and also another sponsor nominated.

Mr. Hirschi didn't think an additional member was necessary. As appointments became due, then look at some one who has expertise. The Board could begin with a local health representative from the Wasatch Front and then one from outside the area.

Mr. Horrocks questioned introducing it to the Legislature, would the Board end up with something they didn't like? Ms. Neilson stated that is always an issue and a concern. When a statute opens, there is not a lot of control as to what happens.

Ms. Seghini noted that when looking at two seats, would there be any advantage to include mass transit? That voice is important in the issue of air quality and quality of life. People are not recognizing that there is a need to have an alternative to transportation that doesn't include highways. There isn't enough room for more highways.

**C. FIVE YEAR REVIEW: Presented by John Veranth**

Mr. Veranth asked if the Board was happy with the process on how rules were reviewed when due. He suggested that the Board could start earlier and put part of the rule that needs to be looked at on a review schedule, and then open it up for the stakeholder process and request comments. The Board could also review blocks of rules where staff or industry representatives feel guidance is needed.

Ms. Jan Miller, staff, suggested that at the October Board meeting, staff could come with a proposal with options on how the Board might go about reviewing the rules. It would be helpful if the Board could give guidelines as to what the Board is looking for. The staff could also come back with some kind of lay out of what rules there were and why they were there. When staff does a 5-year review, it is only a review itself that is filed. If the rule needs to be amended, then that begins an entirely separate rule-making process.

Mr. Wessman noted that when the Board does a five-year review, there should be certain findings that the Board concludes or concurs with. Is the rule still authorized by statute, is it relevant, effective, or needs updating, or are there deficiencies, then that should trigger the revision process. Mr. Wessman suggested clustering rules that work together be reviewed

Ms. Miller said staff would come back with options in October.

**D. Public Hearings:** Presented by Jan Miller

The Board delegated staff to serve as hearing offices for the public hearings for Opening Burning Rules, August 17; Salt Lake City Carbon Monoxide Maintenance Plan Salt Lake County Vehicle I/M Plan, August 18; and Maximum Achievable Control Technology rule R307-214-2, August 19.

**E. SIPS UPDATE:** Presented by Cheryl Heying

For the July Board meeting, staff had put together an extensive review of where staff was in the SIP review process. Staff had received a letter from EPA on July 20, approving staff recommendations for the PM<sub>2.5</sub> attainment and non-attainment areas.

On July 29, Mr. Lee Peacock, Utah Petroleum Association, received a letter regarding the request for enforcement discretion for Utah County regarding the oxygenated fuel. EPA is granting enforcement discretion for this next season of oxyfuel in Utah County as they review staff's CO maintenance plan.

**F. COMPLAINT:** No questions

**G. HAPS Compliance:** No questions

**H. MONITORING:** Presented by Bob Dalley

Mr. Dalley reviewed graph findings for months of June and July 2004. In future board meetings, the graph of the one-hour standard will be replaced by a graph of the eight-hour standard. Ogden's particulate data is missing due to instrument problems.

Meeting adjourned at 3:35 pm.

bdjohnsonWp\Air Quality\Air Quality Board meetings\AQ Board minutes2004\Aug 2004\Aug 4 brd mtg revised.doc